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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMAR QAZI,

Defendant.

Case No. 2:15-cr-00014-APG-VCF

**ORDER REGARDING MOTION IN
LIMINE**

(ECF No. 316)

Defendant Omar Qazi filed a motion in limine to exclude evidence. ECF No. 316. The Government opposes only by arguing that I have no jurisdiction to rule on the motion because of its pending interlocutory appeal. ECF No. 317. The Government is wrong.

An interlocutory appeal “divests the district court of its control over [only] those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). The Government’s appeal in this case is limited to my suppression of Qazi’s statements based on an insufficient *Miranda* warning. ECF No. 282. The pending motion in limine seeks to exclude admission of a handgun and a DNA buccal swab kit. ECF No. 316. Those evidentiary items are unrelated to Qazi’s statements and the insufficient *Miranda* warning, and the Government makes no effort to connect them.

Given the importance of the motion in limine, it would be unjust to decide the issues without full briefing by the parties. Therefore, the Government may file a supplemental opposition to the motion in limine—this time addressing the merits of the motion—by June 27, 2017. Qazi may file a reply by July 14, 2017.

Dated: June 20, 2017.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE